

FCC MAIL SECTION

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April 18, 1996

PETITION FOR RULEMAKING FILED**COMMISSION SEEKS COMMENT ON PETITION FOR RULEMAKING
FILED BY NATIONAL COMMUNICATIONS SYSTEM****WT Docket No. 96-86****Comments Due: June 3, 1996; Replies Due: July 2, 1996**

On October 19, 1995, the National Communications System ("NCS"), through the Secretary of Defense as an Executive Agent of the NCS, filed a Petition for Rulemaking requesting the Commission to adopt rules to provide "priority access" to cellular spectrum for National Security/Emergency Preparedness (NS/EP) responsiveness. Specifically, NCS requests that the Commission establish the Cellular Priority Access Service (CPAS).

Summary of NCS Petition

The NCS contends in its petition for rulemaking that cellular usage by the general public in emergency situations leads to congestion in the cellular network, causing usage by those with NS/EP responsibilities to be severely curtailed or made impossible. Without "priority access" to cellular spectrum, the NCS argues, rescue workers are impaired by recurring surges in cellular usage associated with emergency situations. The NCS cites the bombing of a Federal office building in Oklahoma City, Oklahoma, as a recent example. The NCS argues that "priority access" to cellular spectrum is essential in conducting response and recovery efforts. The NCS also maintains that action at the national level is necessary to ensure there is one uniform, nationwide cellular priority access scheme.

The term "priority access," as used by the NCS, means that in emergencies, when cellular spectrum is congested, authorized priority users would gain access to the cellular radio spectrum before cellular telephone users not engaged in NS/EP functions. Approval of the proposed rules would (1) authorize cellular service providers to provide priority access; (2) ensure

that such service providers, when doing so, are not in violation of Communications Act provisions barring unlawful discrimination or undue preference; and (3) override any existing contractual provisions inconsistent with the rules adopted.

The NCS requests that the Commission establish the Cellular Priority Access Service (CPAS) by amending Part 64 of the Commission's Rules. Under the proposed CPAS rules, authorized NS/EP users would be permitted to obtain access to cellular radio channels ahead of non-NS/EP users when cellular network congestion is blocking NS/EP call attempts. In order to obtain priority access, the authorized user would dial a feature code such as "*XX." The service would require no special activation; CPAS calls would not preempt calls in progress.

Public Safety Rulemaking

In a rulemaking proceeding recently initiated by the Commission, comment has been sought regarding present deficiencies in public safety wireless communications, and spectrum needs for public safety purposes. See The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, Notice of Proposed Rulemaking, FCC 96-115, released Apr. 10, 1996. The Commission stated that the goal of the proceeding is:

to develop the data necessary to evaluate the spectrum needs of public safety agencies, to solicit comment on how best to meet these needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services, including the ability to communicate readily with one another (interoperability).

Id. at para. 3.

In addition to commenting on the merits of the NCS petition, interested parties are asked to address whether and to what extent the issues raised in the NCS petition are related to the pending public safety rulemaking proceeding, WT Docket No. 96-86. Interested parties may file comments no later than **June 3, 1996**. Reply comments must be filed by **July 2, 1996**. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, referencing WT Docket No. 96-86 and the petition for rulemaking filed by the NCS. The full text of the petition, the comments, and reply comments are available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800.

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